

REMARKS

Claims 1 and 19-110 are pending in the subject application. Claims 23, 26, 29, 37, 38, 43, 44, 49, 50, 55, 56, 59, 62, 67, 70, 73, 81, 82, 87, 88, 93, 94, 99, 100, 103, 106, 107, and 109 have been canceled without prejudice to Applicant's right to pursue the subject matter thereof in a continuing application. Claims 1, 19-22, 24, 25, 27, 28, 30-36, 39, 40, 45, 46, 51, 52, 58, 61, 63-66, 68, 69, 71, 72, 74-80, 83, 84, 89, 90, 95, 96, 102, and 105 have been amended and new claims 111-139 have been added to more distinctly point out what Applicant regards as the invention. Support for the amendments can be found in the specification, *inter alia*, and, for example, as follows. Support for the amendment to the preamble of claim 1 is at page 5, lines 17-31. Support for the amendment to the body of claim 1, claim 19, and new claims 123 and 124 is found at page 5, lines 17-31; at page 29, lines 21-22; page 9, lines 3-7, and at page 30, lines 5-8. Support for the insertion of "purified" into the claims is at page 19, lines 30-34, to page 24, line 33. Support for the substitution of "mammal" with "human" in the claims is at page 9, lines 9-11. Support for the insertion of "two or more" in claims 20, 64, 126, 127, 135, and 137 at page 9, lines 3-7; and at page 30, lines 5-8. Support for the amendment to claims 58, 61, 102, 105 and 114, and 133 is at page 26, lines 17-21. Support for new claims 111-113, 119-121, and 128-130 is at page 5, lines 33-34 to page 6, lines 1-2; and at page 28, lines 11-28. Support for new claims 115-118 and 122-125 is at page 14, line 29 to page 15, line 20, and also at page 6, lines 15-17 and at page 13, lines 14-20. Support for new claims 131 and 132 is at page 9, lines 28-34 to page 10 line 15. Support for new claims 134-137 is at page 5, lines 22-31, at page 12, lines 19-37 to page 13, line 2, and at page 16, lines 22-30. Support for new claim 138 and 139 is at page 23, lines 16-34 to page 24, line 11. Applicant believes that no new matter has been added. Accordingly, claims 1 and 19-22, 24, 25, 27, 28, 30-36, 39, 40-42, 45, 46-48, 51-54, 57, 58, 60, 61, 63-66, 68, 69, 71, 72, 74-80, 83, 84-86, 89-92, 95-98, 101, 102, 104, 105, 108, 110, and 111-139 will be pending upon entry of this Amendment.

In the March 24, 2005 Office Action, the Examiner required a restriction of the invention under 35 U.S.C. § 121 to one of two allegedly distinct inventions. Specifically, the Examiner required Applicants to elect one of the following groups:

- I. Claims 1, 22-32, 45-56, 60-62, 66-76, 89-100, 104-106, 108, and 110, drawn to a method of inhibiting proliferation of a tumor, a method of treating a mammal having a tumor, and a method of eliciting an immune response comprising the administration of a heat shock protein-peptide complex and a pharmaceutical carrier; and
- II. Claims 19-21, 33-44, 57-59, 63-65, 77-88, 101-103, 107, and 109, drawn to an isolated population of human stress protein-peptide complexes or a composition comprising human stress protein-peptide complexes and a pharmaceutical carrier.

The Examiner alleged that Groups I and II are distinct each from the other. The Examiner added that where Applicant elects claims to the product (Group II), and a product claim is subsequently found allowable, withdrawn species claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of M.P.E.P. §821.04, and that process claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

In response, Applicant respectfully traverses the restriction requirement and maintain that it would not be an undue burden to search all of the claims together.

However, in order to be fully responsive to the outstanding restriction requirement, Applicant hereby provisionally elects, with traverse, Group II, directed to claims 19-21, 33-44, 57-59, 63-65, 77-88, 101-103, 107, 109, and new claims 111-133, drawn to an purified population of human stress protein-peptide complexes or a composition comprising human stress protein peptide complexes and a pharmaceutical carrier. New claims 134-139 are drawn to a method of making the immunogenic population of human stress protein-peptide complexes of the invention of Group II. Applicant submits that it would not be an undue burden to search the new claims, 134-139, along with the claims of Group II.

Applicant notes that the presently pending process claims include all of the limitations of at least one pending product claim. Applicant also respectfully requests rejoinder of the

restricted product and process claims at such time as an elected product claim is deemed allowable, in accordance with the provisions of M.P.E.P. §821.04.

Attorneys for Applicant retains the right to petition from the restriction requirement under 37 C.F.R. §1.144.

Applicant respectfully requests that the present amendments and remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)

By: T. Christopher Tsang 40,258
T. Christopher Tsang (Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosures